

4. Jurisdiction is vested in this federal court pursuant to 28 U.S.C. 1332 *et seq.* in that the parties are diverse and the claims exceed Seventy-five Thousand Dollars (\$75,000.00).

5. Venue is proper in the United States District Court for the Eastern District of Pennsylvania in that the motor vehicle accident which forms the basis for this cause of action, occurred in Chester County, Pennsylvania, which is also the County where Adam H. Swope resided prior to his death. In addition, Plaintiffs reside in Wyomissing, Berks County, Pennsylvania, which is also within the jurisdiction for the United States District Court for the Eastern District of Pennsylvania.

6. On November 11, 2017, Adam H. Swope was operating his Honda Civic motor vehicle on S.R. 202 at the intersection with Matlack Street in Chester County, and was stopped for a red light at the intersection.

7. As Adam H. Swope's car was stopped at the intersection, a tractor trailer driven by Samuel Rodriguez, and owned by Yamin & Sons Transportation, LLC, ran a red light for traffic on S.R. 202 north, and crashed into a vehicle being driven by Michael Alyanakian of 1124 Cross Street, Philadelphia, Pennsylvania.

8. After the impact with the Alyanakian motor vehicle, the tractor trailer proceeded to continue across S.R. 202 into the opposing lanes of traffic, flipped on its side and crashed into the driver's side of Adam H. Swope's motor vehicle, inflicting fatal injuries to Adam H. Swope.

9. At the time of his death, Adam H. Swope, was survived by his parents, the Administrators herein, who are also his heirs-at-law.

COUNT I – WRONGFUL DEATH

FIRST CAUSE OF ACTION

PLAINTIFFS V. YAMIN & SONS TRANSPORTATION, LLC

10. Plaintiffs incorporate paragraphs one through nine, and seventeen, as if the same were set forth more fully at length herein.

11. Plaintiffs bring this cause of action pursuant to 42 Pa.C.S.A. 8301, *et seq.*

12. Defendant is liable for the acts of its agents, servants, employees and all other persons acting on its behalf under the doctrine of *respondeat superior*.

13. Plaintiffs, as the heirs at law, have sustained losses as a result of the death of their son, including economic support, loss of love, comfort, society, friendship, guidance and affection, together with claims for funeral expenses and administrative costs incurred by Plaintiffs as Administrators of the Estate.

14. Defendant is liable for all of the injuries and losses as hereinabove set forth based on its negligence, which negligence includes the following:

- A. Failing to properly train and supervise its driver, Samuel Rodriguez;
- B. Failing to have safe driver requirements and protocols in place;
- C. Failing to employ drivers who were safe and properly trained to drive tractor trailers; and
- D. Failing to properly load freight in the trailer being transported by Defendant's tractor.

15. Defendant is also liable for all of the negligent acts of Defendant, Rodriguez, as hereinafter set forth, on the basis of *respondeat superior*.

WHEREFORE, Plaintiffs demand judgment against Defendant, Yamin & Sons Transportation, LLC, in an amount in excess of Seventy-five Thousand Dollars (\$75,000.00), together with interest and costs of this proceeding.

COUNT I – WRONGFUL DEATH

SECOND CAUSE OF ACTION

PLAINTIFFS V. SAMUEL RODRIGUEZ

16. Plaintiffs incorporate paragraphs one through fifteen above as if the same were set forth more fully at length herein.

17. The losses pursuant to the Wrongful Death Act of Pennsylvania, 42 Pa.C.S.A. 8301, *et seq.*, are all the direct and proximate result of the negligence of the Defendant, Samuel Rodriguez, which negligence includes the following:

- A. Driving too fast for conditions then and there existing;
- B. Failing to be able to bring his vehicle to a stop prior to driving through an intersection controlled by a red light for traffic on S.R. 202 at the time that Defendant, Rodriguez, was operating his vehicle at that locale;
- C. Failing to recognize that traffic for his lane of travel was controlled by a red light requiring him to stop prior to entering the intersection;
- D. Driving in a careless manner in total disregard of the safety of others including, Plaintiffs' decedent; and
- E. Violating the laws of the Commonwealth of Pennsylvania as they relate to the safe operation of motor vehicles, and particularly, the laws dealing with traffic signals controlling intersections.

WHEREFORE, Plaintiffs demand judgment against Defendant, Samuel Rodriguez, in an amount in excess of Seventy-five Thousand Dollars (\$75,000.00), together with interest and costs of this proceeding.

COUNT II – SURVIVAL ACTION

FIRST CAUSE OF ACTION

PLAINTIFFS V. YAMIN & SONS TRANSPORTATION, LLC

18. Plaintiffs incorporate paragraphs one through seventeen above as if the same were set forth more fully at length herein.

19. Plaintiffs bring this action pursuant to the Survival Act of Pennsylvania, 42 Pa.C.S.A. 8302 and 20 Pa.C.S.A. 3371.

20. As a direct and proximate result of the negligence of Yamin & Sons Transportation, LLC and its agent, Samuel Rodriguez, Defendant is liable for all losses pursuant to the Survival Act of Pennsylvania, including loss of income, loss of earning capacity net, pain and suffering, mental anguish, and all of the losses permitted under the Survival Act of Pennsylvania.

WHEREFORE, Plaintiffs demand judgment against Defendant, Yamin & Sons Transportation, LLC, in an amount in excess of Seventy-five Thousand Dollars (\$75,000.00), together with interest and costs of this proceeding.

COUNT II – SURVIVAL ACTION

SECOND CAUSE OF ACTION

PLAINTIFFS V. SAMUEL RODRIGUEZ

21. Plaintiffs incorporate paragraphs one through twenty as if the same were set forth more fully at length herein.

22. Defendant, Samuel Rodriguez, is liable to the Estate for all losses under the Survival Act of Pennsylvania as a result of his negligence as herein set forth.

WHEREFORE, Plaintiffs demand judgment against Defendant, Samuel Rodriguez, in an amount in excess of Seventy-five Thousand Dollars (\$75,000.00), together with interest and costs of this proceeding.

Respectfully submitted,

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